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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,992	03/30/2004	Yasuhiko Matsunaga	U2054.0150	2667
32172 7590 11/16/2007 DICKSTEIN SHAPIRO LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) NEW YORK, NY 10036-2714				
			EXAMINER SAMS, MATTHEW C	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 11/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/811,992	MATSUNAGA, YASUHIKO	
	Examiner	Art Unit	
	Matthew C. Sams	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-16,46 and 49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-16,46 and 49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on 9/18/2007.
2. Claims 2, 17-45, 47, 48, 50 and 51 are canceled.
3. The rejection to claims 46 and 49 with respect to 35 U.S.C. 101 has been withdrawn.

Information Disclosure Statement

4. The information disclosure statement filed on 8/2/2007 has been considered.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-16, 46 & 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds (US-2003/0125028) in view of Arimitsu (US-2001/0009853).

Regarding claim 1, Reynolds teaches a communication terminal (Fig. 1 [8]) connectable to a plurality of communication systems (Fig. 1 [2, 4 & 6] and Page 1 [0012]), said communication terminal comprising communication system selection means for deciding the communication system to which to connect, based upon a

communication link quality (Page 2 [0025]), and a connection policy set for each of said plurality of said communication systems (Page 2 [0017-0026]), wherein

said connection policy that includes a priority of a connection; (Page 2 [0022])
and

the communication system selection means comprises a means for making a connection to the communication system of which said communication link quality is equal to or more than a first threshold (Fig. 2 [116]), and yet of which said priority is highest (Fig. 2 [128]), with a change in the communication link quality. (Fig. 2 and Pages 2-3 [0028-0029]) Reynolds differs from the claimed invention by not explicitly reciting the connection policy includes a user-selected priority of a connection and the user-selected priority is highest.

In an analogous art, Arimitsu teaches a method and apparatus for selecting networking systems in a mobile terminal including a user-selected priority that has the highest priority. (Fig. 2 and Page 4 [0049]) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the connection priority system of Reynolds after modifying it to incorporate the user-selected priority of Arimitsu. One of ordinary skill in the art would have been motivated to do this since it enables the user to select a system depending upon connection fees (Arimitsu Page 2 [0020]) or signal strength for power savings. (Arimitsu Page 3 [0030])

Regarding claim 3, Reynolds in view of Arimitsu teaches said communication terminal wherein said connection policy includes connection advisability information

indicating advisability of a connection set for each of said plurality of said communication systems; (Reynolds Page 2 [0017-0022]) and

said communication system selection means comprises means for making a connection to the communication system of which said user-selected priority is highest (Arimitsu Fig. 2 and Page 4 [0049]), out of the communication systems of which said communication link quality is equal to or more than said first threshold, and yet of which said connection advisability information indicates pro, with a change in the communication link quality. (Reynolds Fig. 2 and Pages 2-3 [0028-0029])

Regarding claim 4, Reynolds in view of Arimitsu teaches the communication terminal comprises a means for making a connection to the communication system of which said connection advisability information indicating con in response to a user's manual operation. (Reynolds Page 2 [0028])

Regarding claim 5, Reynolds in view of Arimitsu teaches the communication terminal comprises means for setting so that said first threshold and said user-selected priority for each of said communication systems have a negative correlation. (Reynolds Pages 2-3 [0028], Fig. 2, Arimitsu Fig. 2 and Page 4 [0049])

Regarding claim 6, Reynolds in view of Arimitsu teaches a communication terminal characterized in that said communication system selection means, which has a maximum simultaneous-connection communication system number, is means for disconnecting a connection to the communication system of which said user-selected priority is lowest in a case where the communication system number in connection exceeded said maximum simultaneous-connection communication system number, with

a change in the communication link quality. (Reynolds Page 3 [0034], Arimitsu Fig. 2 and Page 4 [0049])

Regarding claim 7, Reynolds in view of Arimitsu teaches a connection policy includes a second threshold of the communication link quality set for each of a plurality of the communication systems, with which a connection should be terminated; (Reynolds Page 2 [0025]) and

said communication system selection means is means for disconnecting a connection to the communication system of which said communication link quality amounted to less than said second threshold, with a change in the communication link quality. (Reynolds Page 3 [0030] and Fig. 3)

Regarding claim 8, Reynolds in view of Arimitsu teaches a connection policy includes disconnection advisability information indicating advisability of a disconnection set for each of said plurality of said communication systems; (Reynolds Page 3 [0030-0034]) and

said communication system selection means is means for disconnecting a connection to the communication system of which said user-selected priority is lowest, out of the communication systems of which said communication link quality is less than said second threshold, and yet of which said disconnection advisability information indicates pro, with a change in the communication link quality. (Reynolds Pages 3-4 [0035-0042], Arimitsu Fig. 2 and Page 4 [0049])

Regarding claim 9, Reynolds in view of Arimitsu teaches a communication terminal comprising means for disconnecting a connection to the communication system

of which said disconnection advisability information indicates con in response to a user's manual operation, or in response to deterioration in the above quality to the degree that the communication link is impossible to maintain. (Reynolds Page 3 [0033-0035])

Regarding claim 10, Reynolds in view of Arimitsu teaches a communication terminal comprising means for setting so that said second threshold and said user-selected priority for each of said communication systems have a negative correlation. (Reynolds Page 3 [0031-0032], Arimitsu Fig. 2 and Page 4 [0049])

Regarding claim 13, Reynolds in view of Arimitsu teaches that at least one of said user-selected priority, said first threshold, said second threshold, said connection advisability information, said disconnection advisability information, said notification advisability information, and said authentication advisability information is notified from said communication system side; (Reynolds Page 2 [0018-0022 & 0025], Arimitsu Fig. 2 and Page 4 [0049]) and

including means for receiving and setting this. (Reynolds Page 2 [0025], Page 3 [0030] & Fig. 3)

Regarding claim 14, Reynolds in view of Arimitsu teaches the communication terminal characterized in including means for receiving a notification of offer-enable throughput based upon a congestion status of a wireless interface and a wire network from each of said plurality of said communication systems to set said user-selected priority so that said user-selected priority has a positive correlation as against said throughput. (Reynolds Page 2 [0025], Arimitsu Fig. 2 and Page 4 [0049])

Regarding claim 15, Reynolds in view of Arimitsu teaches the communication terminal comprising means for receiving a notification of accounting information from each of said plurality of said communication systems to set said user-selected priority so that said user-selected priority has a negative correlation as against said accounting information. (Reynolds Page 2 [0018], Arimitsu Fig. 2 and Page 4 [0049])

Regarding claim 16, Reynolds in view of Arimitsu teaches the communication terminal is at least one of a wireless communication system and a wire communication system. (Reynolds Page 1 [0012] and Fig. 1)

Regarding claim 46, the limitations of claim 46 are rejected as being the same reason set forth above in claim 1.

Regarding claim 49, the limitations of claim 49 are rejected as being the same reason set forth above in claim 1.

7. Claims 11 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of Arimitsu as applied to claim 1 above, and further in view of Balogh (US-6,870,822).

Regarding claim 11, Reynolds in view of Arimitsu teaches the limitations of claim 1 above, but differs from the claimed invention by not explicitly reciting connection policy includes notification advisability information indicating whether or not a change in the connection status is notified to a user and including means for, in a case where said notification advisability information indicates pro, making a notification to the user in response to a connection/ disconnection to/ from the communication system by said

communication system selection means for each of said plurality of said communication systems.

In an analogous art, Balogh teaches a method and system for mobility in a telecommunication system that includes a connection policy includes notification advisability information indicating whether or not a change in the connection status is notified to a user; (Fig. 4 [408]) and

including means for, in a case where said notification advisability information indicates pro, making a notification to the user in response to a connection/disconnection to/from the communication system by said communication system selection means for each of said plurality of said communication systems. (Fig. 4 [409] and Col. 8 line 43 through Col. 9 line 25) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the system of Reynolds in view of Arimitsu after modifying it to incorporate the notification system of Balogh. One of ordinary skill in the art would have been motivated to do this since it gives the user control as to which wireless network the mobile device is connected.

Regarding claim 12, Reynolds in view of Arimitsu and Balogh teaches the connection policy includes authentication advisability information indicating whether or not the user is prompted for inputting authentication information at the time of connection for each of said plurality of said communication systems; (Balogh Col. 4 lines 27-37 & Col. 5 lines 29-38) and

including means for, in a case where said authentication advisability information indicates pro, prompting the user for inputting the authentication information at the time

of initiating the connection by said communication system selection means to acquire and set a cryptography key for communication from the communication system in a case where the authentication succeeded. (Balogh Col. 4 lines 27-37 & Col. 5 lines 29-38)

Response to Arguments

8: Applicant's arguments with respect to claims 1, 46 and 49 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9: Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MCS
11/9/2007


GEORGE ENG
SUPERVISORY PATENT EXAMINER